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Attorneys for Movants
ELECTRONIC FRONTIER FOUNDATION and
FRED VON LOHMAN

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

1 I, Cindy Cohn, declare pursuant to 28 U.S.C. § 1746 as follows:

2 1. I am the General Counsel and Legal Director for the Electronic Frontier Foundation.

3 2. The Electronic Frontier Foundation is a nonprofit organization that regularly engages
4 in legal representation of third-party clients. EFF also represents itself in litigation, specifically in
5 Freedom of Information Act cases and as amicus curiae in litigation concerning the intersection of
6 law, individual rights and technology. EFF has been representing third-party clients for nearly the
7 entirety of its twenty-year existence and certainly all of the last ten years when I have been Legal
8 Director.

9 3. The Electronic Frontier Foundation has and is presently litigating numerous cases in
10 various courts representing third party clients, including in the Northern District of California. For
11 example, EFF represents the plaintiffs in litigation currently pending before this Court, *Long Haul,*
12 *Inc. et. al v. Regents of the University of California*, 3:09-cv-00168 JSW.

13 4. From August 2001 until June 2010, Fred von Lohmann worked for the Electronic
14 Frontier Foundation. While at EFF, Mr. von Lohmann held the positions of Senior Intellectual
15 Property Attorney and Senior Staff Attorney.

16 5. During his time at EFF, Mr. von Lohmann represented various clients in his capacity
17 as an attorney, including Lime Wire LLC (“Lime Wire”).

18 6. While the very nature of the attorney-client privilege makes it impossible to provide
19 detail, as with many third-parties who approach EFF for legal advice, the advice that EFF and Mr.
20 von Lohmann gave to Lime Wire was legal advice provided in the professional capacity of the EFF
21 attorneys.

22 7. EFF has diligently kept confidential the communications between EFF and Lime
23 Wire.

24 8. The Amicus Brief that EFF filed together with other interested groups and
25 associations, in *Arista Records v. Lime Wire LLC*, Case No. 06-5936 (KMW) (S.D.N.Y.) was not
26 submitted on behalf of either party in the case.

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9. Neither Mark Gorton nor anyone else at Lime Wire has ever given EFF permission to disclose any attorney-client privileged communications or attorney work product associated with the legal services that EFF or Mr. von Lohmann provided.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: November 16, 2010

/s/
Cindy Cohn

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